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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,423	10/18/2001	Darl Dufendach	65899-0129/DP-305300	6671

10291 7590 12/19/2002

RADER, FISHMAN & GRAUER PLLC  
39533 WOODWARD AVENUE  
SUITE 140  
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/982,423

Applicant(s)

DUFENDACH, DARL

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirogane (JP-3-246114).

Shirogane discloses a lever comprising: a first end (see Fig 3) for engaging and supporting the knob (3), said first end having a resiliently deflectable retaining member (13) that engages at least one inner peripheral surface (24) of the knob pocket (25) to retain the knob on said lever; a second end configured for connection to a lever-actuated device (see Fig 3); and a longitudinal axis (see Fig 3).

Re claim 2, wherein said retaining member is integrally formed with said lever (see Fig 3).

Re claim 3, wherein said retaining member exhibits a substantially arched profile (see Fig 3) defining a first half that extends upward from said lever and a second half comprising a resilient tine (13) that extends downwardly from said first end (see Fig 3).

Re claim 4, wherein said tine deflects inwardly towards said longitudinal axis upon installation of the knob (see Fig 1).

Re claim 5, wherein a spring force generated by said deflected tine causes said retaining member to exert oppositely directed forces against the inner peripheral surface of the knob pocket (inherent).

Re claim 6, wherein said tine includes a sharply pointed tip (see Fig 3).

Re claim 7, wherein said tip is imbedded into the inner peripheral surface of the knob pocket upon installation of the knob (see Fig 1).

Re claim 10, an actuation lever for operating a vehicle climate control unit, said actuation lever comprising: a knob (3) that includes a pocket (25) having at least one inner peripheral surface (24); a lever (1) having a first end for engaging and supporting said knob (see Fig 3), a second end configured for connection to the climate control unit (Abstract) and a longitudinal axis (see Fig 3), said first end having a resiliently deflectable retaining member (24) that engages at least one inner peripheral surface of said knob pocket to retain said knob on said lever (see Fig 1).

Re claim 11, wherein said retaining member is integrally formed with said lever (see Fig 1).

Re claim 12, wherein said retaining member exhibits a substantially arched profile defining a first half that extends upward from said lever (see Fig 3) and a second half comprising a deflectable tine that extends downwardly from said first end (see Fig 3).

Re claim 13, wherein said tine deflects inwardly towards said longitudinal axis upon installation of said knob (see Fig 1).

Re claim 14, wherein a spring force generated by said deflected tine causes said retaining member to exert oppositely directed forces against at least one inner peripheral surface (inherent).

Re claim 15, wherein said tine includes a sharply pointed tip (see Fig 3).

Re claim 16, wherein said tip is imbedded into an inner peripheral surface of said knob pocket upon installation of said knob (see Fig 1).

Re claim 20, an actuation lever for operating a vehicle climate control unit, said actuation lever comprising: a knob (3) that includes a pocket (25) having at least one inner peripheral surface (24); a lever (1) having a first end (see Fig 3) for engaging and supporting said knob (see Fig 3), a second end (see Fig 3) configured for connection to the climate control unit (Abstract) and a longitudinal axis (see Fig 3), said first end having a resiliently deflectable retaining member (13) that engages at least one inner peripheral surface of said knob pocket (24) to retain said knob on said lever (see Fig 1); and wherein said retaining member exhibits a substantially arched profile defining a first half that extends upward from said lever and a second half comprising a deflectable tine (13) that extends downwardly from said first end to a tip (see Fig 1), said tine deflecting inwardly towards said longitudinal axis upon installation of said knob (see Fig 1), and said tip imbedding into an inner peripheral surface of said knob pocket upon installation of said knob (see Fig 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3682

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirogane (JP-3-246114).

Re claims 8, 9 and 17, Shirogane discloses the claimed invention except for the lever being a material that is relatively harder than the knob and that the lever is a metal and the knob is a polymeric material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the lever out of a metal material that is harder than the knob made of polymeric material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claims 18 and 19, Shirogane discloses the claimed invention except for the force to apply said knob onto said lever does not exceed approximately 50 N and the force to remove said knob from said lever is at least approximately 20 N.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to discover the optimum force to apply the knob to the lever and remove the knob from the lever, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

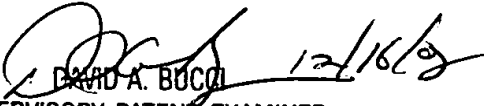
4,466,456	Hansen	(lever)
5,191,971	Hakkaraime et al	(lever connection)
6,288,351	Bruntz	(lever)
4,586,391	Chaki	(lever)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj 12/15/02  
December 15, 2002

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600